

App. B:
Petrie Decl., Ex. 1

From: Sherk, John (SHB) [<mailto:JSHERK@shb.com>]
Sent: Friday, November 04, 2016 2:04 PM
To: Petrie, Sarah (AGO) <Sarah.Petrie@MassMail.State.MA.US>; rarsenault@nbalawfirm.com; eholland@allfela.com; EHolland@allfela.com; Crouch, Amy (SHB) <AMCROUCH@shb.com>; 'dwills@smbtrials.com'
Cc: Klein, Gary (AGO) <Gary.Klein@MassMail.State.MA.US>; Sheldon Jaffe <Sheldon.jaffe@doj.ca.gov>; Beth.Chun@texasattorneygeneral.gov; Lucas J. Tucker <LTucker@ag.nv.gov>; Joyce Yeager <Joyce.Yeager@ago.mo.gov>; Ariel Dreher <Ariel.J.Dreher@doj.state.or.us>; Russell Kent <Russell.Kent@myfloridalegal.com>; Skinner, OH <O.H.Skinner@azag.gov>
Subject: RE: NAAG CAFA Group - Pollard v. Remington Arms Co.

Ms. Petrie,

This note responds to your October 27 and November 3 e-mails. As you may know, Remington does not have customer lists because it does not sell to consumers, so it cannot provide you with a list of class members in any state.

Because Remington does not sell to consumers, it also does not know how many covered firearms exist in any given state. However, as you mentioned, Remington did agree to send 93,000 postcards to mailing addresses found in its various internal databases. As stated in our court filings, that list was compiled from multiple sources (customers who signed up for mailing alerts or contacted our customer service lines, for example), is admittedly over-inclusive, and is not targeted to actual customers who own firearms affected by this Settlement—such a targeted list does not exist. Regardless, Remington agreed to send notices to that overbroad group to maximize its chances of reaching as many Settlement Class Members as possible.

While recognizing the 93,000 postcard address list is not targeted to this matter, Remington took the addresses contained on it and divided them by state. It then applied the percentage of addresses in each state to the total population of firearms potentially at issue in this settlement – 7.5 million. The resulting figures are below. Again, I want to reiterate that the below figures do not represent the number of settlement firearms that actually exist in each state, as we have no way of knowing those numbers. However, this is the best estimate we could create based on the information available.

Best regards, John

AK	461	.50%	37,500
AL	1723	1.86%	139,500
AR	1353	1.46%	109,500
AZ	1247	1.35%	101,250
CA	2856	3.08%	231,000
CO	1505	1.62%	121,500
CT	375	.40%	30,000
DC	5	.005%	375
DE	184	.20%	15,000
FL	2342	2.53%	189,750

GA	2030	2.20%	165,000
HI	83	.09%	6,750
IA	1595	1.73%	129,750
ID	1020	1.10%	82,500
IL	2619	2.83%	212,250
IN	1946	2.11%	158,250
KS	1054	1.14%	85,500
KY	2097	2.30%	172,500
LA	1571	1.70%	127,500
MA	508	.55%	41,250
MD	1123	1.22%	91,500
ME	542	.59%	44,250
MI	5727	6.20%	465,000
MN	3866	4.18%	313,500
MO	2839	3.07%	230,250
MS	1113	1.20%	90,000
MT	1226	1.33%	99,750
NC	2732	3.0%	225,000
ND	684	.74%	55,500
NE	982	1.10%	82,500
NH	286	.31%	23,250
NJ	772	.84%	63,000
NM	478	.52%	39,000
NV	478	.52%	39,000
NY	5021	5.43%	407,250
OH	3429	3.71%	278,250
OK	1547	1.70%	127,500
OR	2001	2.17%	162,750
PA	8464	9.16%	687,000
RI	76	.08%	6,000
SC	1341	1.45%	108,750
SD	832	.90%	67,500
TN	2286	2.47%	185,250
TX	5323	5.76%	432,000
UT	792	.86%	64,500
VA	2560	2.77%	207,750
VT	384	.42%	31,500
WA	1706	1.85%	138,750
WI	5338	5.78%	433,500
WV	1654	1.79%	134,250
WY	538	.58%	43,500
TOTAL	92714		7,534,125

John K. Sherk III
Partner
Shook, Hardy & Bacon L.L.P.



From: Petrie, Sarah (AGO) [<mailto:Sarah.Petrie@MassMail.State.MA.US>]
Sent: Thursday, November 03, 2016 6:32 AM
To: Sherk, John (SHB); arsenault@nbalawfirm.com; eholland@allfela.com; EHolland@allfela.com; Crouch, Amy (SHB); dwillis@smbtrials.com
Cc: Klein, Gary (AGO); Sheldon Jaffe; Beth.Chun@texasattorneygeneral.gov; Lucas J. Tucker; Joyce Yeager; Ariel Dreher; Russell Kent; Skinner, OH
Subject: NAAG CAFA Group - Pollard v. Remington Arms Co.

Mr. Sherk,

I'm just following up from my previous email. Do you know when we can expect information regarding the class members? I would appreciate it as I would like to be able to update the group.

Thank you,

Sarah

Sarah Petrie
Consumer Protection Division

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From: Petrie, Sarah (AGO)
Sent: Thursday, October 27, 2016 11:55 AM
To: 'Sherk, John (SHB)' <JSHERK@shb.com>; arsenault@nbalawfirm.com; eholland@allfela.com; Eric Holland (EHolland@allfela.com) <EHolland@allfela.com>; Crouch, Amy (SHB) <AMCROUCH@shb.com>; 'Dale Wills (dwillis@smbtrials.com)' <dwillis@smbtrials.com>
Cc: Klein, Gary (AGO) <Gary.Klein@MassMail.State.MA.US>; Sheldon Jaffe <Sheldon.jaffe@doj.ca.gov>; 'Beth.Chun@texasattorneygeneral.gov' <Beth.Chun@texasattorneygeneral.gov>; Lucas J. Tucker <LTucker@ag.nv.gov>; Joyce Yeager <Joyce.Yeager@ago.mo.gov>; Ariel Dreher <Ariel.J.Dreher@doj.state.or.us>; Russell Kent <Russell.Kent@myfloridalegal.com>; Skinner, OH <O.H.Skinner@azag.gov>
Subject: NAAG CAFA Group - Scheduling a Call re: Pollard v. Remington Arms Co.

Mr. Sherk,

Thank you for your email. I have reviewed the materials you provided. We are requesting a breakdown of the number of class members who reside in each state and the estimated proportionate share of their claims, which have yet to be provided to our offices.

As I mentioned in my initial email, Defendants' December 2014 CAFA notice stated: "it is not feasible to give the names of the class members who reside in each state and the estimated proportionate share of their claims." This, too, falls short of what 28 U.S.C. §1715 requires.

The statute specifically states that the notice to state officials provide: "if feasible, the names of class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement to that State's appropriate State official; or, if that is not feasible, a reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement." 28 U.S.C. §1715 (b)(7)(A), (B). In light of the current plan to provide at least some mailed notice, we believe that you may now have information to make significantly enhanced disclosures.

The Defendants December 2014 notice to state officials provided neither, the "names of the class members who reside in each state...", nor a "reasonable estimate", as the statute requires. Nor, does it appear that this information was subsequently provided to state officials. Therefore, we ask that you provide our offices with that information.

Sarah

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Consumer Protection Division

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